

California Regional Water Quality Control Board  
North Coast Region

Cleanup and Abatement Order No. R1-2002-0097

for

Gerald Bendix  
and  
Hi-Ridge Lumber Company  
329 South Phillipe Lane  
Yreka, California

Siskiyou County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Gerald Bendix owns the property at 329 South Phillipe Lane in Yreka, hereinafter the "Site". Gerald Bendix operated Hi-Ridge Lumber Company, a former sawmill and planing mill facility, at the Site. Gerald Bendix and Hi-Ridge Lumber Company shall hereinafter be jointly referred to as the Discharger. Wood treatment chemicals containing polychlorinated phenols were historically applied to lumber at the former green chain location. Pentachlorophenol (PCP) and tetrachlorophenol (TCP) were among the compounds contained in the wood treatment chemicals.
2. During a site inspection by Regional Water Board staff on December 19, 2001, water samples were collected from storm water discharging from the Site. Laboratory analysis of the storm water samples detected PCP at 14 ug/L (parts per billion, or ppb) and TCP at 9.3 ppb. Storm water from the Site discharges to the Shasta River, approximately 1.3 miles northwest of the mill.
3. The presence of wood treatment chemicals in storm water discharge is a threat to surface waters and indicates a potential threat or impact to groundwater. Past subsurface investigations at the mill have encountered groundwater contaminated with these chemicals.
4. Polychlorinated phenols inherently contain persistent organic pollutants as byproducts. The byproduct pollutants include polychlorinated dioxin and furan congeners (collectively hereinafter referred to as "dioxin"), which are listed by the United States Environmental Protection Agency (US EPA) as "priority persistent bioaccumulative and toxic chemicals." The US EPA and California Department of Health Services have established a drinking water maximum contaminant level for dioxin of 0.00003 ppb. The water quality goal identified by the California Toxics Rule for dioxin is 0.000000013 ppb.
5. The Regional Water Board adopted Waste Discharge Requirements Order No. 88-5 for Hi-Ridge Lumber Company on March 24, 1988. A portion of Order No. 88-5 which is being violated is:

“A. Prohibitions:

2. There shall be no discharge of wood treatment chemicals or stain control fungicides to surface water or to groundwater.”
6. Cleanup and Abatement Order No. R1-2002-0097 supercedes all previous Cleanup and Abatement Orders issued to Hi-Ridge Lumber Company. Waste Discharge Requirements Order No. 88-5 remains in effect.
7. The Discharger has caused or permitted, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. Continuing discharges are in violation of the Porter-Cologne Water Quality Control Act and provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan). The Basin Plan establishes beneficial uses of water and various water quality objectives to ensure protection of those beneficial uses.
8. The beneficial uses of the Shasta River include:
  - a. municipal and domestic water supply
  - b. agriculture water supply
  - c. industrial service water supply
  - d. industrial process water supply
  - e. groundwater recharge
  - f. freshwater replenishment of lakes and streams
  - g. hydropower generation
  - h. water contact recreation
  - i. non-contact water recreation
  - j. commercial and sport fishing
  - k. warm freshwater habitat
  - l. cold freshwater habitat
  - m. wildlife habitat
  - n. habitat for rare, threatened or endangered species
  - o. migration route for anadromous fish
  - p. fish spawning area
  - q. aquaculture

The beneficial uses of groundwater include:

- a. domestic and municipal water supply
  - b. agricultural water supply
  - c. industrial service water supply
  - d. industrial process supply
9. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Any proposed alternative that will not achieve cleanup to background levels (i.e., water quality

objectives), must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human health or the environment for the duration of the exceedence of background levels (SWRCB Res. 68-16 and 92-49, 23 CCR section 2550.4, subds. (c) & (d).)

10. Water quality objectives exist to ensure the beneficial uses of water. Several beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. A listing of the water quality objectives for waters of the State impacted by discharges from the Site is included as Attachment "A" to this Order.
11. Discharge prohibitions contained in the Basin Plan apply to this site. State Water Resources Control Board Resolution 68-16 applies to this Site. State Water Resources Control Board Resolution 92-49 applies to this Site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."
12. Reasonable costs incurred by Regional Water Board staff in overseeing cleanup or abatement activities are reimbursable under Section 13304(c)(1) of the California Water Code.
13. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the Site shall comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq. (CEQA)).
14. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.
15. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of CEQA in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, except for the purposes of enforcement of past violations, Cleanup and Abatement Orders No. 89-9, 88-157 and 88-136 are hereby rescinded, and pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall

cleanup and abate the discharges and threatened discharges, and shall comply with the following provisions of this Order:

1. Investigative and cleanup tasks shall be performed under the direction of a California registered geologist or registered civil engineer with experience conducting environmental cleanup projects.
2. By November 22, 2002, submit a workplan to investigate: a) the source of the PCP and TCP contamination in storm water discharge, b) the threat and/or impact of PCP and TCP contamination to groundwater, and c) the presence of dioxin contamination.
3. Implement the workplan within 30 days of Executive Officer concurrence with the plan.
4. Submit a report of findings within 60 days of workplan implementation describing results of the investigation at the Site, and containing alternative recommendations to abate discharges of contaminants in storm water, and cleanup contamination identified during investigation.
5. Within 30 days of Executive Officer concurrence with the recommended alternative plan, begin implementation of the plan to abate storm water discharges and cleanup contamination.
6. By August 15, 2003, submit a report of findings describing implementation of the plan to abate storm water discharges and cleanup contamination.

If, for any reason, the Discharger is unable to perform any activity or is unable to submit any document in compliance with the schedule set forth herein or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request must be submitted ten days in advance of the due date and shall include justification for the delay and a description of the good faith effort performed to achieve compliance with the due date. The extension request shall also include a proposed time schedule with new performance dates for the due date in question and all dependent dates. An extension may be granted for good cause, as determined by the Executive Officer in his or her sole discretion, in which case this Order will be accordingly revised.

If, in the opinion of the Executive Officer, this Order is not complied with, the Regional Water Board will consider issuance of a formal complaint for administrative civil liability and/or referral of this matter to the Attorney General for judicial enforcement.

Ordered by \_\_\_\_\_  
Susan A. Warner  
Executive Officer

October 3, 2002